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KELLEY DRYE & WARREN LLP

A LIMITED LIABILITY PARTNERSHIP

1200 19TH STREET, N.W.

SUITE 500

WASHINGTON, D.C. 20036

(202) 955-9600

EX PARTE OR LATE FILED

FACSIMILE

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DIRECT LINE (202) 955-9788

E-MAIL: ldaubert@kelleydrye.com

February 25, 2000

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

VIA HAND DELIVERY

Magalie R. Salas, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

**Re: Notice of *Ex Parte* Presentation by the
Personal Communications Industry Association and
Allied PCIA of California**

Numbering Resource Optimization – CC Docket No. 99-200

Dear Ms. Salas:

Pursuant to Sections 1.1206(b)(1) and (2) of the Commission's Rules, the Personal Communications Industry Association ("PCIA"), by their attorneys, submit this notice in the above-captioned docketed proceeding of an oral *ex parte* presentation made and written *ex parte* materials distributed on February 24, 2000 during a meeting with Rebecca Beynon, Legal Advisor, Office of Commissioner Furchtgott-Roth. The presentation was made by Jay Kitchen, President, PCIA, Harold Salters, Director of Government Relations, PCIA, Judith St. Ledger-Roty, Counsel to PCIA, Todd Daubert, Counsel to PCIA, and David Wilson, Counsel to Allied PCIA of California. Copies of the written materials distributed at the meeting, as well as the Comments and Reply Comments of PCIA (at Ms. Beynon's request), are attached hereto.

During the presentation, PCIA and Allied PCIA of California discussed concepts presented in and raised by the attached presentations entitled "Numbering Optimization and Competition," "Number Resource Optimization" and "State Number Conservation Measures Must Continue To

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Ms. Magalie R. Salas
February 25, 2000
Page Two

Be Subject to National Guidelines, Standards and Procedures.” PCIA and Allied PCIA of California discussed ways in which the Commission could move expeditiously to ensure efficient number utilization while ensuring that all carriers have timely and nondiscriminatory access to numbering resources.

Pursuant to Sections 1.1206(b)(1) and (2), an original and two copies of this *ex parte* notification (with attachments) are provided for inclusion in the public record of the above-referenced proceeding. We would be pleased to provide additional copies of the paper and its appendix, upon request. Please direct any questions regarding this matter to the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Todd Daubert", with a long horizontal flourish extending to the right.

Judith St. Ledger-Roty
Todd D. Daubert
Counsel to PCIA

cc: International Transcription Services
Rebecca Beynon

Numbering Optimization and Competition



Personal Communications
Industry Association

Ex Parte Presentation in CC Docket No. 99-200

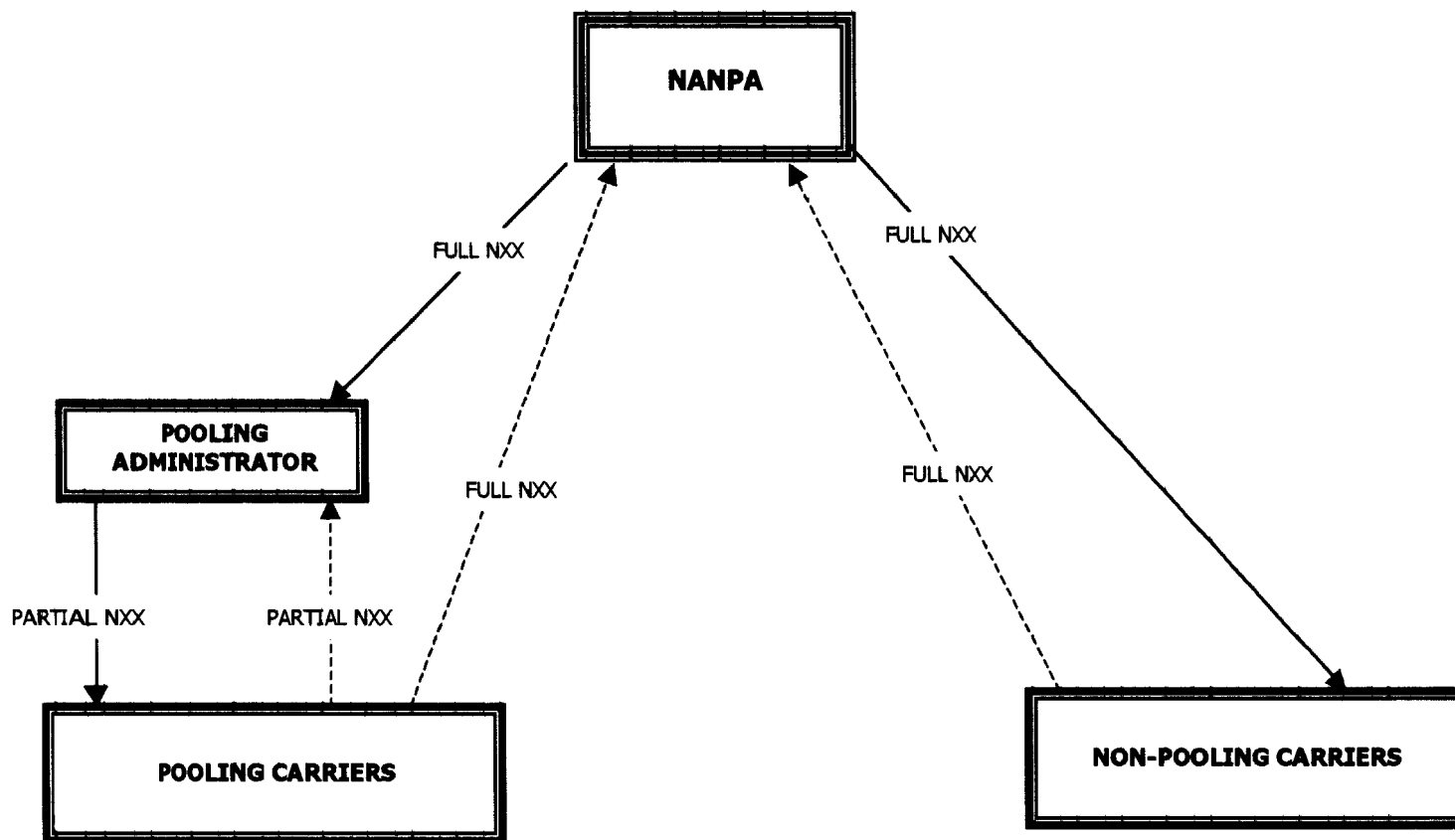
February 2000



All Carriers Must Be Assured Non-Discriminatory and Timely Access To Telephone Numbers

- The FCC should, in all circumstances, assure that telephone numbers are available on a timely, non-discriminatory basis.
- There must always be a seamless path to ensure that as area codes exhaust, growth area codes are ready.
- PCIA has proposed a mechanism that would create a seamless path to growth area codes for both non-LNP- and LNP-capable carriers.

Model Pooling Structure



The Central Office Code Administrator ("CO Code Administrator") allocates full NXX codes to both non-LNP-capable carriers and to the Pooling Administrator, which in turn allocates partial codes to LNP-capable carriers.

PCIA's Model Pooling Structure Would Help to Ensure that All Carriers Have Non-Discriminatory and Timely Access To Telephone Numbers

- PCIA's proposal, in conjunction with the FCC's utilization proposal, achieves the following objectives of various industry segments:
 - It facilitates the continuation of 7-digit dialing within individual area codes for all industry segments for an additional period of time (proposed by some states);
 - It allows number pooling to be implemented (proposed by some states, CLECs and industry groups);
 - It eliminates the need for number rationing when implemented properly (all carriers);
 - It preserves non-discrimination in allocation and utilization of numbering resources (all carriers); and
 - It alleviates pressure to require number take-backs outside of traditional uses (*e.g.*, implementation of area code relief in the form of a geographic split).

Non-LNP Capable Carriers Should Not, and Cannot, Be Required To Receive, Port, or Give-Back 1,000 Number Blocks

- LNP-capability is a prerequisite to 1,000 block number pooling.
- Wireless carriers are not LNP-capable:
 - CMRS carriers will not be LNP-capable before 2002
 - No likelihood that stand alone paging carriers will be LNP-capable in the foreseeable future.
- Therefore, wireless carriers, like all carriers that are not LNP-capable, must not be required to take 1,000 blocks from the pool or to contribute 1,000 blocks to the pool.
- Wireless and other carriers that are not LNP-capable must be able to receive whole 10,000 blocks of numbers available within the NPA from the CO Code Administrator.



Maintaining Federal Authority Over Numbering Is Crucial

- The Commission must not abdicate its plenary authority over numbering to the States.
- To the extent government intervention is necessary to advance number optimization, carriers should be subject to federal authority, and reporting under a national framework, instead of up to 50 separate state commissions.

A Uniform National Approach to Number Administration and Optimization is Crucial to Competition

- Carriers should be required to report to only one entity - the NANPA -- to assure uniform guidelines and consistent reporting nationwide.
- Reporting of information, including Part 4 of COCUS (confirmation of code activation), to the NANPA should be mandatory: No COCUS, no numbers.
- COCUS 2000 and further NANPA/NANC efforts to develop the hybrid COCUS make individual State information requests inefficient and counterproductive.

To the Extent States are Permitted to Collect Number Utilization Data, the FCC Must Establish a Uniform National Reporting Template

- Carriers must not be burdened with dozens of inconsistent and varied State information requests asking for information in different formats (e.g., paper vs. electronic, Excel spreadsheet vs. Word questionnaire, etc.) with unrealistic due dates.
- State reporting at the thousand or hundred block level is overly burdensome for carriers that are not LNP-capable.

PERSONAL COMMUNICATIONS INDUSTRY ASSOCIATION
CC DOCKET NO. 99-200
NUMBER RESOURCE OPTIMIZATION

The FCC must not abdicate its authority over numbering to the states.

- ❖ **Wireless is America's most vibrant, competitive telecom sector, with wide area, regional and national coverage. Numbers are the fuel of the wireless industry.**
- ❖ **To the extent government intervention is necessary to advance number conservation, wireless carriers should be subject only to federal authority, reporting under a national framework, rather than face the potential of 50 distinct state jurisdictions.**

All wireless carriers must be assured non-discriminatory and timely access to numbers.

- ❖ **Problem: States such as California are refusing to release additional area codes.**
 - **Solution: The FCC should not allow any state to refuse to implement needed area code relief on the grounds that it is undertaking number conservation measures.**
 - **Solution: The FCC should not allow any state to order additional rationing measures beyond those listed in NANPA's uniform guidelines.**

Wireless carriers should not, and cannot, be required to participate in number pooling.

- ❖ **With regard to local number portability (LNP) requirements, the FCC has already granted a forbearance to broadband carriers and an exemption to paging carriers.**
- ❖ **LNP is the method by which thousands-block pooling is implemented.**
- ❖ **As a result, non-LNP carriers cannot be required to participate in pooling and therefore must receive whole NXX codes available from within the area code.**
- ❖ **Nonetheless, PCIA supports minimum utilization thresholds applied to both pooling and non-pooling carriers.**

A uniform national approach to number management is crucial to fair competition.

- ❖ **PCIA supports uniform enforcement through one entity, the NANPA, to assure uniform guidelines and a consistent nationwide reporting mechanism.**
- ❖ **Problem: In today's environment, there is a lack of consistent, reliable information.**
 - **Solution: The FCC should deem mandatory the reporting of information to the NANPA, including the filing by carriers of their Confirmation of Code Activation forms (Part 4 of the COCUS). If no COCUS on file, then no numbers released.**

To the extent states are permitted to collect number utilization data, the FCC must establish a uniform national reporting template for the states to follow.

- ❖ **Wireless carriers cannot fairly face inconsistent and varied state information requests in wide-ranging formats with unrealistic due dates.**
- ❖ **COCUS 2000 and further NANPA/NANC efforts to develop an efficient, hybrid COCUS make individual state information requests inefficient and counterproductive.**

The FCC should implement nationwide, mandatory 10-digit dialing.

- ❖ **Mandatory 10-digit dialing is an excellent method of assuring competitive neutrality.**
- ❖ **The Industry Numbering Committee (INC) has identified 10-digit dialing as the prerequisite to NANP expansion. Mandatory 10-digit dialing provides a solid foundation for a smoother, more consumer-friendly expansion of the NANP, including use of the D-digit. Ultimately, this will release ("free up") 200+ central office codes per area code.**

ALLIED PCIA OF CALIFORNIA

STATE NUMBER CONSERVATION MEASURES MUST CONTINUE TO BE SUBJECT TO NATIONAL GUIDELINES, STANDARDS AND PROCEDURES

-Numbers must be available to all services providers (“SPs”), including non-LNP capable ones

-Conservation cannot be an excuse for avoiding politically unpopular choices, e.g. splits, overlays, rate center reform

-Auditing procedures must be efficient and uniform

-The Commission should specifically forbid number takebacks from the customers of one industry segment in order to satisfy the needs of other segments

ALLIED PCIA OF CALIFORNIA

CALIFORNIA IS IN VIOLATION OF ALL OF THE ABOVE PRINCIPLES

-Out of 27 NPAs, 22 are now in jeopardy and are rationed-

-Having belatedly announced a series of overlays and splits, California has halted these measures in favor of mandatory pooling in multiple MSAs. Under state law and procedure it will take at least two years to implement new backup plans. The 310 NPA will exhaust in nine months

-Non LNP capable carriers are effectively denied new numbers in the 310 ; the same will happen in other critical NPAs

-California has threatened wireless only overlays, with an across the board takeback of customer numbers, in order to reassign those numbers to non-wireless carriers.

-California has ordered quarterly surveys, in a non-standard format, for all SPs and for all numbers, whether Type 1 or Type 2.

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

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OFFICE OF THE SECRETARY

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In the Matter of)	
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Numbering Resource Optimization)	CC Docket No. 99-200
)	
Connecticut Department of Public Utility Control)	RM No. 9258
Petition for Rulemaking to Amend the Commission's)	
Rule Prohibiting Technology-Specific or Service-)	
Specific Area Code Overlays)	
)	
Massachusetts Department of Telecommunications)	NSD File No. L-99-17
and Energy Petition for Waiver to Implement a)	
Technology-Specific Overlay in the)	
508, 617, 781, and 987 Area Codes)	
)	
California Public Utilities Commission and the)	NSD File No. L-99-36
People of the State of California Petition for)	
Waiver to Implement a Technology-Specific or)	
Service-Specific Area Code)	

COMMENTS OF THE PERSONAL
COMMUNICATIONS INDUSTRY ASSOCIATION

Mary McDermott
Chief of Staff and Senior Vice President
Government Relations
Robert L. Hoggarth
Senior Vice President, Paging and Messaging
Harold Salters, Director
Government Relations

PERSONAL COMMUNICATIONS
INDUSTRY ASSOCIATION
500 Montgomery Street, Suite 700
Alexandria, Virginia 22314-1561
703-739-0300

July 30, 1999

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BEFORE THE
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WASHINGTON, D.C. 20554

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Service-Specific Area Code)	
To: The Commission		

**COMMENTS OF THE PERSONAL
COMMUNICATIONS INDUSTRY ASSOCIATION**

The Personal Communications Industry Association ("PCIA"),¹ by its attorneys, hereby respectfully submits its comments on the FCC's *Notice of Proposed Rulemaking* in the above-captioned proceeding.²

¹ PCIA is an international trade association established to represent the interests of the commercial and private mobile radio service communications industries and the fixed broadband wireless industry. Its wireless carrier members offer local dial tone to tens of millions of subscribers, and need telephone numbers in order to provide these services.

² *Numbering Resource Optimization et al.*, Notice of Proposed Rulemaking, CC Docket No. 99-200, RM No. 9258, NSD File No. L-99-17 & NSD File No. L-99-36 (rel. June 2, 1999) ("*NPRM*").

I. INTRODUCTION AND SUMMARY

PCIA supports the Federal Communications Commission's ("FCC's") efforts to assure that telephone numbers are readily available to meet the burgeoning demand for telecommunications and information services, including access to the Internet. As the *Notice* suggests, there are clearly cost-effective means for improving the allocation and assignment of numbers and assuring that these processes are efficient.

One measure – rate center consolidation – must be the cornerstone of any effort to improve the efficient utilization of numbering resources. The historical reliance on multiple, small rate centers for rating calls is a method suitable only for a monopoly provider environment. It results in significant inefficiencies in number assignment. Rate center consolidation allows carriers to use the numbers in an NXX code over a larger area rather than a small area in which many numbers remain idle. Significantly, rate center consolidation is superior to virtually all other optimization measures because it (i) makes vast amounts of numbers available for the lowest cost of any of the proposals, and (ii) can be immediately implemented with little impact on most industry players. No other proposal can be implemented so seamlessly, and the Commission and the industry simply must take advantage of the opportunity that rate center consolidation presents.

However, the FCC should not merely look at means for improving existing NANPA processes and the existing NANP. In addition to rate center consolidation, PCIA urges the FCC to implement mandatory 10-digit dialing, not only for its immediate and obvious benefits, but also to pave the way for implementing other methods of future NANP expansion if the FCC and industry determine it is necessary to avoid number shortages.

Lastly, PCIA urges the FCC not to be tempted into adopting any additional administrative substantive rules, except as proposed herein. The FCC's existing rules and the

NANPA Guidelines are sufficient to provide the NANPA, the FCC and the industry sufficient data to predict exhaust timelines and deter inappropriate conduct.

PCIA has developed the following blueprint for building a consensus numbering allocation and assignment plan, and for implementing pooling if the Commission ultimately determines to do so. This blueprint assures that telephone numbers are available on a timely basis, for the foreseeable future. Each of the blueprint points is more fully discussed in the appropriate sections.

PCIA Blueprint For Efficient Number Utilization

The FCC should, in all circumstances, assure that telephone numbers are available on a timely nondiscriminatory basis. To accomplish this goal:

- The FCC must require the states and, indirectly, the local exchange carriers, to consolidate rate centers to the maximum extent possible, consistent with public safety requirements.
- The FCC must require mandatory 10-digit dialing in areas approaching exhaust, and permissive 10-digit dialing elsewhere.
- The FCC must take action to encourage states to use all-service overlays when implementing new area codes to ensure adequate number resources are available for non-Local Number Portability ("LNP") capable carriers.
- The FCC and the industry must immediately examine the costs and benefits of utilizing the "D" digit, and other technological methods of using central office codes more efficiently, to determine if such use is economically and technically feasible.
- The FCC must require all NXX codes to be utilized within a reasonable period of time with adequate safeguards to reclaim unused codes, including protected codes.

If the FCC requires number pooling as a conservation method, its rules should assure that:

- The Central Office Code Administrator ("CO Administrator") (who administers full NXX codes under federal guidelines) and the Pooling Administrator(s) allocate both full codes and partial codes, respectively, in accordance with number conservation and efficient utilization principles. For example, the Pooling Administrator(s) should be required fully to assign numbers within an NXX code amongst carriers in a rate center before opening the next full NXX code in a rate center for pooling; *e.g.*, use up partial codes before opening whole codes when possible.
- Telecommunications carriers that are not LNP-capable must not be required to take numbers from the pool, or to contribute numbers to the pool or otherwise participate in pooling in any fashion. These carriers must be able to continue to receive whole 10,000 blocks of numbers available within the NPA from the Central Office Code Administrator.
- Prior to implementing pooling, the number of rate centers within the NPA must be reduced to the maximum extent technically feasible, consistent with public safety requirements. Reduction of at least 50% would be considered substantial compliance with this rule. State commissions must be required to certify to the FCC that they have complied with this rule at least 60 days prior to implementing pooling, unless a state commission certifies to the FCC that it is technologically unfeasible to do so because of public safety requirements.
- The CO Administrator shall inform state commissions at least 18 months in advance of forecasted exhaust of an NPA. States, under their delegated authority, shall take all necessary and lawful area code relief steps reasonably available to assure that no rationing is required in order to meet the forecasted demand.
- Unless a specific code relief plan has been ordered by a state commission and is no longer subject to review or appeal, prior to 180 days of predicted NXX exhaust, the Code Administrator or any affected party may petition the FCC automatically to implement area code relief, in the form of an all-service overlay. Mandatory 10-digit dialing would be required to begin no later than the date on which additional area code relief is implemented.

* * * *

II. NUMBERING ADMINISTRATION MUST BE APPROACHED FROM THE PROPER PERSPECTIVE

Since passage of the Telecommunications Act of 1996 (“the Act”), the telecommunications industry has seen a greater demand for telephone numbers than ever before. This demand has come from consumers who have been using telecommunications services in ways that were unimagined only a few years ago.³ In the wireless sector alone, subscribership for mobile wireless services now exceeds 126 million units, a 17% increase over domestic subscribership in 1997.⁴ This increase is consistent with prior years in which subscribership has increased by 17 million subscribers per year.⁵ Additionally, there are a growing number of CLECs and wireless carriers in many metropolitan areas, giving consumers the opportunity to choose among providers and the myriad of services that arise because of the competitive marketplace. Finally, the demand for second lines to homes for Internet access and facsimile modems have grown exponentially as well.

This increase in the delivery of telecommunications services (and options for the public to choose between services and service providers) and the resulting increase in the demand for telephone numbers should not be cause for alarm; it is cause for celebration. We are in the midst of a revolution no less important than the Industrial Revolution. The use of

³ As the FCC recognized only a few months ago, while looking at broadband services, a subset of the overall telecommunications market place, access to these services “can increase our nation’s productivity and create jobs. Access ... can also meaningfully improve our nation’s educational, social and health care services.” *See In Re Inquiry Concerning the Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashions*, CC Docket No. 98-146, ¶ 2.

⁴ *See In the Matter of Implementation of Section 6002(b) of the Omnibus Reconciliation Act of 1993, Fourth Report*, Section I.C. at 6.

⁵ *Id.*

telecommunications services to communicate, access the Internet, and increase competition have created productivity gains for American industries, and these gains as well as euphoria over the promise of increased bandwidth and Internet connectivity are helping to fuel the economy to new heights.

However, the new telecommunications applications that are quickly becoming critical to a company's performance, and U.S. companies' performance in the global marketplace, depend on the ready availability of adequate telephone numbers for these services. There is no substitute. Numbers are the raw materials of the telecommunications industry, just like steel is to the auto industry. Without an adequate and reliable source of telephone numbers for use in the provision of these services, the revolution cannot proceed apace. The FCC's first priority, then, has to be the availability of an adequate supply of telephone numbers. Without them, the pro-competitive goals of the Act, and all of the FCC's efforts to implement the legislation successfully will be for naught, and the telecommunications revolution will come to a screeching halt.

How, then, should the FCC proceed? Clearly, as reflected in the *Notice*, the FCC must examine the fundamental reasons that numbers may not be readily available in the future, and take cost effective and technologically sound actions to assure that they are. For example, it must order comprehensive rate center consolidation, and it must implement mandatory 10-digit dialing in areas facing exhaust and permissive 10-digit dialing in areas not yet facing exhaust. Moreover, the FCC must establish a cost-effective and technologically sound method for creating additional telephone numbers, particularly if there is any possibility that the efficiencies which can be achieved through other optimization measures are not sufficient to assure the ready supply of telephone numbers well in advance of area code exhaust.

What the FCC must not do is continue to allow artificial shortages in the availability of telephone numbers, or to exacerbate further the artificial number shortages that exist today through new policies, such as number auctions. Nor should it allow the perception that there is or will be a shortage in telephone numbers. Shortages, whether real or artificial, will create incentives for carriers to hoard telephone numbers, because numbers are critical to the competitive survival of carriers and to their ability to make available the services on which businesses and individual consumers depend. What the FCC needs to do is assure the ready availability of numbers, and that will eliminate the incentives to hoard about which the FCC is apparently concerned. Discussions of numbering resource optimization all too often sound like discussions of scarce resource “conservation” and “rationing,” as if the goal were to discourage the use of additional numbers. Instead, number administration must be designed *to encourage* the rapid and efficient *use* of numbers by eliminating delays in receiving additional numbers, removing obstacles causing artificial number demand, reducing the costs related to numbering, and ensuring that codes are utilized to the fullest extent possible. If additional numbers are still necessary after all obstacles causing artificial number demand have been eliminated (including by consolidating rate centers), the FCC should expand the NANP rather than adopt rationing or conservation measures designed to discourage the use of numbering resources.

The FCC must also rethink its view that “multiple area code changes in relatively short timeframes is an unacceptable byproduct of burgeoning competition the telecommunications marketplace.”⁶ It simply may not be possible, consistent with the need to

⁶ *NPRM*, ¶ 4. PCIA notes that geographic splits produce the dislocation of which the FCC complains, but that all service overlays do not cause these dislocations.

continue to bring on new and additional products and services, to avoid creating new area codes, particularly in urban high growth areas. That does not mean that the FCC or the industry should be callous about the potential societal impacts of implementing new area codes. The FCC must immediately do those things which make the introduction of new area codes more palatable, such as deploying all service overlays. The FCC must also require carriers to implement permissive 10-digit dialing throughout the country so that, as mandatory 10-digit dialing becomes necessary, people are already used to it and it can be then made mandatory more seamlessly. In other words, the FCC and the industry at large can “manage change,” making it less difficult and more acceptable over both the short and long term, particularly when the alternative is to bring the competitive revolution and its many benefits to a halt.

III. THE FCC SHOULD ADOPT MANDATORY NATIONAL RULES AND GUIDELINES, AS APPROPRIATE, GOVERNING THE ALLOCATION AND USE OF TELEPHONE NUMBERING RESOURCES

The FCC must continue to maintain federal control over numbering issues in order to ensure a unified system of numbering administration that does not discriminate against any class of telecommunications carriers.⁷ For these reasons, PCIA is pleased that the agency’s stated primary purpose in issuing the *NPRM* is “to seek comment on how best to create *national* standards for numbering resource optimization.”⁸ In considering the numbering optimization

⁷ Competition in telecommunications markets is dependent, in large part, on fair and impartial access by *all* telecommunications carriers, regardless of the technologies they use, to national numbering resources. As the FCC has recognized, “[i]nefficiencies in the allocation and utilization of numbering resources threaten to slow or halt the growth of competition by preventing new entrants from getting into telecommunications markets, and by preventing carriers already providing services from expanding their offerings. Accordingly, the FCC quite rightly views its efforts regarding numbering resource optimization as an integral part of the agency’s overall efforts to implement fully the goals of the Act.

⁸ *NPRM*, ¶ 6 (emphasis added).

proposals discussed below and by other commenters, PCIA urges the FCC not to lose sight of the absolute importance of a federal numbering scheme and of the primacy of the FCC's role therein.

A. The FCC Must Maintain Sole Ultimate Responsibility For Implementing A National Numbering Policy.

Section 251(e)(1) grants the FCC exclusive and plenary jurisdiction over numbering issues pertaining to the United States.⁹ To facilitate the establishment of *national* rules and guidelines, Congress instructed the FCC to "create or designate one or more impartial entities to administer telecommunications numbering and to make such numbers available on an equitable basis, but these entities would be charged with administering national rules."¹⁰

In its *Pennsylvania Order*, the FCC explained why national numbering policies are necessary:

A nationwide, uniform system of numbering is essential to the efficient delivery of telecommunications services in the United States. . . . Substantial social and economic costs would result if the uniformity of the North American Numbering Plan were compromised by states imposing varying and inconsistent regimes for number conservation and area code relief. Such inconsistency could interfere with, or even prevent, the routing of calls in the United States. The lack of uniformity also could hamper the industry's efforts to forecast and plan properly for exhaust of the North American Numbering Plan, and therefore ultimately could accelerate unnecessarily the introduction of a new nationwide numbering plan.¹¹

⁹ 47 U.S.C. § 251(e)(1).

¹⁰ *Id.*

¹¹ Petition for Declaratory Ruling and Request for Expedited Action on the July 15, 1997 Order of the Pennsylvania Public Utility Commission Regarding Area Codes 412, 610, 214, and 717, NSD File No. L-97-42; Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, CC Docket No. 96-98, *Memorandum Opinion and Order on Reconsideration*, ¶ 21 (rel. Sep. 28, 1998) ("*Pennsylvania Order*").